

### **Remarks**

The specification at page 28, line 21 has been amended to correct a minor typographical error.

Prior to this amendment, claims 1-45 were pending in this application. Claims 1-10 and 22-45 are currently withdrawn. Claim 14 is amended herein to correct a minor grammatical error.

No new matter has been added by these amendments. Unless specifically stated otherwise, none of these amendments are intended to limit the scope of any claim. After entry of this amendment, **claims 1-45 are pending.**

### ***Restriction Requirement***

Applicants acknowledge that the election of Group III (claims 11-22), directed to a method of inducing maturation of an immature macrophage or an immature dendritic cell comprising contacting the immature macrophage or an immature dendritic cell expressing DDR1 with a DDR1-activating agent, is made final. Applicants also acknowledge the election of the following species: granulocyte-macrophage-colony stimulating factor (claim 13), constitutive promoter (claim 16), and CD40 ligand (claim 20), for prosecution.

### ***Addition of Inventor***

Applicants submit herewith documents and a fee (\$130.00), as required under 37 C.F.R. 1.497, to add Hidenobu Kamohara M.D., Ph.D. as an inventor of this application. The documents submitted are as follows:

- (1) Statement Under 37 C.F.R. 1.497 Regarding Inventorship;
- (2) Consent of Assignee Under 37 C.F.R. 1.497 Regarding Inventorship, signed by the Assignee; and
- (3) New Declaration, signed by Dr. Yoshimura.

We have not yet received signed copies of the Statement and the Declaration from Dr. Kamohara, but will submit these documents once we receive them.

Applicants respectfully request that the United States Patent and Trademark Office enter these documents and issue a new filing receipt identifying Hidenobu Kamohara as an inventor in this application.

### ***Objection to the Specification***

The specification is objected to because of a minor typographical error on page 28, line 21. As discussed above, the error has been corrected. Applicants respectfully request that this objection of the specification be withdrawn.

### ***Claim Rejections Under 35 U.S.C. §102(a)***

Claims 11-16 and 21-22 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Kamohara *et al.* (*FASEB J.* 2001 Dec;15(14):2727-6. Epub 2001 Oct 15). Applicants submit herewith evidence in the form of a Declaration under 37 C.F.R. § 1.132 to overcome Kamohara *et al.*<sup>1</sup> The Declaration states that co-authors T. Yoshimura and H. Kamohara are inventors of the subject matter claimed in the present application. The Declaration also states that the remaining co-authors, S. Yamashiro and C. Galligan, are not inventors of the present application. Thus, Kamohara *et al.* is a disclosure made by the applicants themselves. As such, it does not satisfy the requirement of § 102(a), which requires an anticipatory disclosure be made “before the invention thereof by the applicant.” In view of the Declaration Under 37 C.F.R. § 1.132, Kamohara *et al.* is not available as prior art. Reconsideration and withdrawal of the rejection is respectfully requested.

### ***Claim Rejections Under 35 U.S.C. §103(a)***

Claims 11-19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious in light of Kamohara *et al.* in combination with Lipford *et al.* (U.S. Pub. No. 2003/0148316, published August 7, 2003). As discussed above, Kamohara *et al.* is not available as prior art against the current application. The secondary reference, Lipford *et al.*, does not teach all the limitations of the claims. Lipford *et al.* discloses that DDR1 is expressed in plasmacytoid dendritic cells and that DDR1 expression levels may be elevated when these cells are incubated

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<sup>1</sup> We have not yet received a copy of the signed Declaration from Dr. Kamohara, but will submit this document once we receive it.

with immunostimulatory nucleic acids. However, Lipford *et al.* fails to specifically disclose the step of contacting the immature macrophage or the immature dendritic cell with an effective amount of a *DDR1-activating agent* in order to induce maturation of the immature macrophage or the immature dendritic cell that expresses DDR1. Thus, Lipford *et al.* alone does not anticipate or render obvious claims 11-19 and 20. In light of the above discussion, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **Conclusion**

Based on the foregoing amendments and arguments, the claims are in condition for allowance and notification to this effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the number listed below.

Respectfully submitted,

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